

## ABSTRACT

One thing that became a big fear for a child is when parents divorce, whatever the reasons for divorce, the child will be the main victims. Tensions in the process of psychic divorce would bring a result for a child, the child will experience psychological condition of instability, and parents should be responsible for all the negative consequences of divorce. But in reality, when it filed for divorce, the parties tend to only consider the terms of divorce only, whereas in the verdict, the judge is bound to the principle of *ultra petitem partium*, so the judge can not impose a decision more than requested by the parties. For that, as early efforts to the protection of child rights, the judge in the courage required to make a breakthrough against the principle by considering the fate of children after divorce, for the benefit and best interests of the child....